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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/637,711	08/08/2003	F. Paul Valenti JR.	4027 P 009	3509

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EXAMINER

OLSON, LARS A

ART UNIT

PAPER NUMBER

3617

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/637,711		Applicant(s) VALENTI, F. PAUL	
	Examiner Lars A Olson		Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 13 January 2005.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) 9-20 is/are allowed.

6) ☒ Claim(s) 1-8 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 8/8/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____
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DETAILED ACTION

1. A response was received from the applicant on January 13, 2005.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huddleston et al. (US 5,653,472) in view of Mosher, Jr. (US 5,973,600).

Huddleston et al. discloses a printable form having a detachable wristband and labels, as shown in Figures 1-12A, said form being comprised of a first portion, defined as Part #16, that includes a detachable wristband, defined as Part #12, and a second portion, defined as Part #18, that is connected to said first portion by a perforation line, as shown in Figure 10, and includes a liner reinforcing layer, defined as Part #24, and a second layer having die cut detachable labels, defined as Part #14, that is mounted on said liner layer, as shown in Figure 2, by means of a pressure sensitive adhesive, defined as Part #28. Said first portion is further comprised of a first printable layer, defined as Part #22, and a second reinforcing layer, defined as Part #24, as shown in Figures 1 and 2. A release coating, defined as Part #26, can also be located on one of said layers, as described in lines 61-63 of column 3. An adhesive, defined as Part #28,

is also positioned in order to bond two ends, defined as Parts #30 and 32, of said wristband into a continuous band, as shown in Figures 12 and 12A.

Huddleston et al., as set forth above, discloses all of the features claimed except for the use of an electronic identifier in the form of a radio frequency identification device (RFID) that is incorporated into a wristband.

Mosher, Jr. discloses a radio frequency identification device, as shown in Figures 1-16, said device, defined as Part #50, being incorporated into a wristband, defined as Part #10, as shown in Figures 4 and 5, between a first layer, defined as Part #30, and a second reinforcing layer, defined as Part #32. Said radio frequency identification device can be in the form of a readable and writable circuit, as described in lines 57-60 of column 5.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a radio frequency identification device incorporated in a wristband, as taught by Mosher, Jr., in combination with the printable form having a detachable wristband and labels for the purpose of providing a printable wristband with an electronic identifier that is built into said wristband prior to printing, thus eliminating the step of incorporating said electronic identifier into said wristband after the printing process.

Allowable Subject Matter

4. Claims 9-20 is allowed.

Response to Arguments

5. Applicant's arguments filed on January 13, 2005 regarding claims 1-8 have been fully considered but they are not persuasive.

6. The applicant argues that there is no motivation to combine the detachable wristband as disclosed by Huddleston et al. (US 5,653,472) with the radio frequency identification device (RFID) provided between at least two layers of a wristband as disclosed by Mosher, Jr. (US 5,973,600).

7. In response to the applicant's argument, Huddleston et al. discloses a printable form that includes a first portion with a detachable wristband, and a second portion that is connected to said first portion, where said first portion includes a first printable layer and a second reinforcing layer, and said second portion includes a liner and detachable labels that are mounted on said liner. Mosher, Jr. discloses a wristband having a plurality of layers, and a radio frequency identification device incorporated between two layers of said wristband. Since claims 1-8 of the application do not specify that first and second layers of said printable form are detachably secured or bonded by means of an adhesive, then the printable form with wristband as disclosed by Huddleston et al. does not need to demonstrate this feature. Huddleston et al. discloses a wristband having first and second layers, and Mosher, Jr. discloses a wristband having first and second layers, and an RFID incorporated between said first and second layers. Thus, there is sufficient motivation to combine the RFID incorporated into a wristband as disclosed by Mosher, Jr. with the multi-layer wristband as disclosed by Huddleston et al. for the purpose of providing a printable wristband with an electronic identifier that is built into

said wristband prior to printing. Therefore, the rejection of claims 1-8 is deemed proper and is not withdrawn.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (703) 308-9807.

lo

March 24, 2005

LARS A. OLSON
PRIMARY EXAMINER

Lars Olson
3/24/05